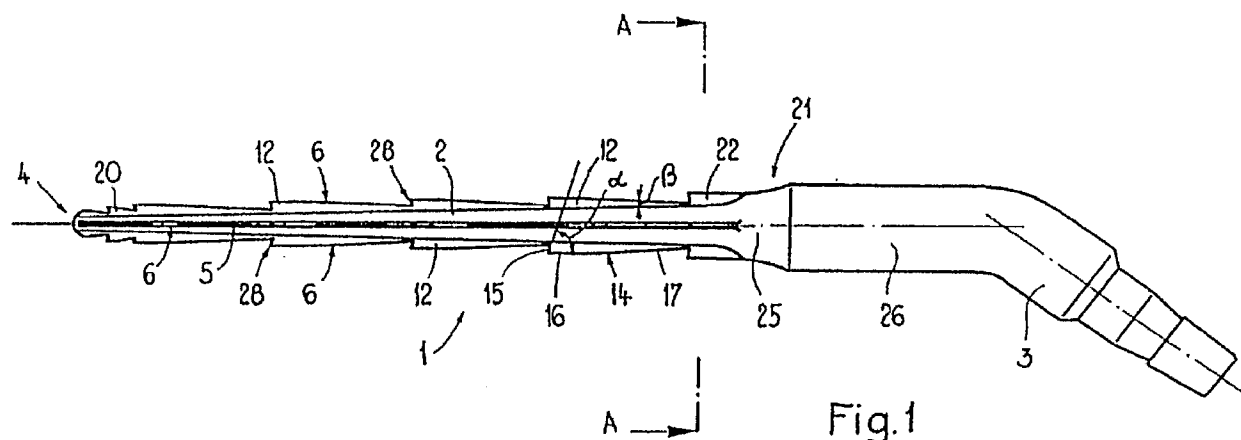


REMARKS

Claims 1-11 remain pending in this application. Claim 1 has been amended to clarify that the height of the longitudinal ribs increases from the proximal start of the ribbed portion of the shaft to the distal end of the ribbed portion of the shaft. Support for this amendment can be found on page 4, lines 15-21, and page 9, lines 13-16, of the specification.

Claims 1-5 and 7-11 stand rejected under 35 USC 103(a) on Kuoni (US 5,593,446) in view of Andriacchi (US 4,279,042). The Examiner relies on Kuoni as teaching the invention of the rejected claims but for the substantially rectangular geometry with the claimed axis ratio, for which the Examiner refers to Andriacchi. This rejection is respectfully traversed with respect to the claims as amended.

Although Kuoni discloses a multitude of ribs, these ribs in the context of Kuoni's structure as a whole do not satisfy the requirements of the claims regarding the prominence of the ribs. That is, Kuoni does not disclose ribs so configured that their "height continuously increases from a proximal start of the ribbed portion of the shaft to a distal end of the ribbed portion of the shaft." Rather, as shown below in FIG. 1 of Kuoni, the ribs in Kuoni have cutting surfaces in the form of sawtooth-shaped teeth along the ribbed portion of its shaft:



Because the height of Kuoni's sawtooth-shaped ribs does not continuously increase from the start to the end of the ribbed portion of the shaft as claimed, Kuoni does not meet this aspect of the claimed structure. Andriacchi does not disclose ribs at all, so combining Kuoni and Andriacchi, even in hindsight, would not meet this element of the invention.

Further, Kuoni is cited for disclosing a shaft core cross-section having a rib on each of its two lateral edges as claimed. Applicant respectfully disagrees, since Kuoni discloses a shaft core having a *circular* cross-section which geometrically cannot include a lateral *edge* upon which to place a rib. See Kuoni, FIG. 2 and col. 2, lines 13-14. Since Andriacchi fails to disclose ribs at all, combining Kuoni and Andriacchi, even in hindsight, would not meet this element of the invention.

These are not distinctions without a difference. The ribs' increasing height and special arrangement (i.e., location on the two lateral edges) as claimed compound the effect of the wedge-like shape of the stem. As described in the paragraph starting on page 2, line 8, of the specification, when the stem is inserted into the medullary channel, bone material is pressed against the lateral and medial sides of the stem, exerting a compression force between the lateral and medial surface of the stem and the interior surface of the bone. The ribs arranged on the two lateral edges effectively prevent the bone material from escaping to the sides, thus keeping the material between the ribs and ensuring that a desired compression effect is fully achieved. The ribs at this claimed location thus act like a seal. Kuoni cannot achieve this advantage of the invention because the saw-tooth-like configuration of Kuoni's ribs would not prevent the bone material from escaping under the force of compression.

The claimed invention, which combines tapering (and the compression effect that comes with it) with ribs arranged at the corners and increasing in height (acting like seals and therefore ensuring that the compressed bone material cannot escape), achieves a much improved fixation of the prosthesis in the bone that is not taught or suggested by Kuoni or Andriacchi, either alone or in combination. Accordingly, the rejection should be withdrawn.

Early action allowing claims 1-11 is solicited.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **246472008200**.

Dated: December 10, 2007

Respectfully submitted,

By Bradley J. Meier
Bradley J. Meier
Registration No.: 44,236
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7735